

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PHE, INC.,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 12-cv-02296
	)	
DOE 46,	)	Hon. Henry E. Autrey
	)	
<i>Defendant.</i>	)	<b><i>JURY TRIAL DEMANDED</i></b>
	)	

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**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO  
FED. R. CIV. P. 41(a)(1)(A)(i)**

Plaintiff hereby voluntarily dismisses Doe Defendant 46 pursuant to FED. R. CIV. P. 41(a)(1)(A)(i). The Doe has filed neither an answer to Plaintiff's complaint, nor a motion for summary judgment with respect to the same. Dismissal pursuant to FED. R. CIV. P. 41(a)(1)(A)(i) is therefore appropriate. Pursuant to this Court's Order, Docket No. 48, Doe 46 is the only remaining Defendant in this action. Further, this Court's Order, Docket No. 49, quashed Plaintiff's subpoena to Charter Communications, Inc., making Doe 46's identify unknowable to Plaintiff. Accordingly, Plaintiff must dismiss Doe Defendant 46. This dismissal will conclude the matter.

Plaintiff hereby dismisses Doe Defendant 46 **with prejudice**.

Dated: January 23, 2014

Respectfully submitted,  
PLAINTIFF PHE, INC.

SIMMONS BROWDER GIANARIS  
ANGELIDES & BARNERD LLC

By: /s/ Paul A. Lesko

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of January, 2014, the foregoing document was filed electronically with the Clerk of Court to be served by operation of the Court's ECF electronic filing system upon all counsel of record.

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